IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3903 OF 2004

IN

CRIMINAL APPEAL NO. 1097 Of 2004

Ambadas Y. Gaikwad & Anr. .. Applicants

versus

State of Maharashtra .. Respondents

...

Mr.Prabhanjay R. Dave for the applicants.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 8th October 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicants are convicted by the trial Court u/s.366A r/w sec.34 of the IPC and section 5 of

the PITA Act and sentenced to suffer RI for 10 years. Accused no.3 is convicted u/s.366A and sec.5 of PITA Act and sentenced to suffer RI for 10 years. The only evidence against accused Sunita is that she had called the girl Renuka to Bombay after informing that she will get a good job as a maid servant in Bombay. Accused Sunita did not participate in bringing Renuka to Bombay. Similarly, so far as Ambadas is concerned, the role attributed by Renuka is that he had brought her to Bombay in a truck. She had not stated that she knew Ambadas. Renuka has identified Ambadas for the first time in the Court. Apart from this, there is no other evidence against these two accused. The trial Court has in paragraph no.59 of the order given the list of lapses on the part of the prosecution in conducting the trial and has reprimanded Special Officer Suresh Jadhav, ACP attached to SBI CID.

3. Under these circumstances, the applicants are directed to be released on bail in the sum of Rs.5,000/- each with one or two sureties in like amount. The applicant Ambadas to report to Jail Road Police station, Solapur once in a week till the hearing and final disposal of the appeal.

Application is disposed of.

V.M. KANADE, J